

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STEVEN A. SIMMONS,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:24-cv-1843-RFB-DJA

DISMISSAL ORDER

I. INTRODUCTION

Pro se Plaintiff Steven A. Simmons brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated. On May 21, 2025, this Court ordered Simmons to update his address by June 20, 2025. That deadline expired without an updated address from Simmons, and his mail from the Court is being returned as undeliverable because he is no longer incarcerated.

II. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. See Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the

1 public's interest in expeditious resolution of litigation; (2) the Court's need to manage its docket;
2 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on
3 their merits; and (5) the availability of less drastic alternatives. See In re Phenylpropanolamine
4 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone, 833 F.2d at 130).

5 The first two factors, the public's interest in expeditiously resolving this litigation and the
6 Court's interest in managing its docket, weigh in favor of dismissal of Simmons's claims. The
7 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
8 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading ordered
9 by the court or prosecuting an action. See Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976).
10 The fourth factor—the public policy favoring disposition of cases on their merits—is greatly
11 outweighed by the factors favoring dismissal.

12 The fifth factor requires the Court to consider whether less drastic alternatives can be used
13 to correct the party's failure that brought about the Court's need to consider dismissal. See Yourish
14 v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
15 alternatives before the party has disobeyed a court order does not satisfy this factor); accord
16 Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts “need not exhaust every
17 sanction short of dismissal before finally dismissing a case, but must explore possible and
18 meaningful alternatives.” Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986).

19 Because this action cannot realistically proceed without the ability for the Court and the
20 defendants to send Simmons case-related documents, filings, and orders, and litigation cannot
21 progress without Simmons's compliance with the Court's orders, the only alternative is to enter a
22 second order setting another deadline. But without an updated address, the likelihood that the
23 second order would even reach Simmons is low, so issuing a second order will only delay the
24 inevitable and further squander the Court's finite resources. Setting another deadline is not a
25 meaningful alternative given these circumstances. So, the fifth factor favors dismissal.

26 Having thoroughly considered these dismissal factors, the Court finds that they weigh in
27 favor of dismissal.
28

1 **III. CONCLUSION**

2 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice based
3 on Simmons's failure to file an updated address in compliance with this Court's May 21, 2025,
4 order.

5 The Clerk of Court is **DIRECTED** to enter judgment accordingly and close this case. No
6 other documents may be filed in this now-closed case. If Simmons wishes to pursue his claims, he
7 must file a complaint in a new case and provide the Court with his current address.

8 Alternatively, **IT IS FURTHER ORDERED** that Simmons may move to reopen this case
9 and vacate the judgment by filing a motion for reconsideration within 30 days of the entry of this
10 Order. In this motion, Simmons would need to explain the circumstances which led to him not
11 being able to update his address as directed by the Court. If the Court finds there is good cause or
12 a reasonable explanation for the failure, the Court will reopen the case and vacate the judgment.

13
14 **DATED:** June 24, 2025

A handwritten signature in black ink, appearing to be 'RFB', written over a horizontal line.

16 **RICHARD F. BOULWARE, II**
17 **UNITED STATES DISTRICT JUDGE**